Plan to Improve Chemical Facility Safety and Security

Achieve a More Comprehensive Engagement on Chemical Risk Management

INTRODUCTION

On April 17, 2013, an explosion occurred at a fertilizer company in West, Texas, killing 15 individuals, injuring over 160 individuals, and damaging or destroying over 150 buildings. Incidents such as this are tragic reminders that handling and storing chemicals present serious risks that must be addressed. As the chemicals and the facilities that manufacture, store, distribute and use them are essential to our economy, chemical facilities, along with State and local emergency planners and first responders, need to be engaged in local emergency preparedness activities in order to reduce the risk of accidents.

On August 1, 2013, the President signed Executive Order (EO) 13650 Improving Chemical Facility Safety and Security. The EO required Federal agencies to improve safety and security and build on ongoing work to reduce the risks associated with hazardous chemicals. The EO established a Chemical Facility Safety and Security Working Group to, among other things,[1] develop a plan to support and further enable efforts by Federal and State regulators, State, local and tribal emergency responders, chemical facility owners and operators, and local and tribal communities to work together to improve chemical safety and security. Specifically, the EO required the plan to:

(i) identify ways to improve coordination among the Federal Government, first responders, and State, local, and tribal entities;

(ii) take into account the capabilities, limitations, and needs of the first responder community;

(iii) identify ways to ensure that State homeland security advisors, State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), Tribal Emergency Planning Committees (TEPCs), State regulators, and first responders have ready access to key information in a useable format, including by thoroughly reviewing categories of chemicals for which information is provided to first responders and the manner in which it is made available, so as to prevent, prepare for, and respond to chemical incidents;

(iv) identify areas, in collaboration with State, local, and tribal governments and private sector partners, where joint collaborative programs can be developed or enhanced, including by better integrating existing authorities, jurisdictional responsibilities, and regulatory programs in order to achieve a more comprehensive engagement on chemical risk management;

(v) identify opportunities and mechanisms to improve response procedures and to enhance information sharing and collaborative planning between chemical facility owners and operators, TEPCs, LEPCs, and first responders;

[1] Other sections of the Executive Order include Enhancing Federal Coordination; Enhancing Information Collection and Sharing; Policy, Regulation and Standards Modernization; and Identification of Best Practices. These sections are addressed in separate reports.

(vi) working with the National Response Team (NRT) and Regional Response Teams (RRTs), identify means for Federal technical assistance to support developing, implementing, exercising, and revising State, local, and tribal emergency contingency plans, including improved training; and

(vii) examine opportunities to improve public access to information about chemical facility risks consistent with national security needs and appropriate protection of confidential business information.

EFFECTIVE COMMUNICATION AND PLANNING AT THE LOCAL LEVEL

When most people think of chemical facilities, they think of large industrial areas with large quantities of chemicals. However, hazardous chemicals may be located in many types of facilities and areas – large and small, rural and urban. Communities (including local officials and planners, facility owners and operator, first responders, health and hospital personnel, environmental groups, and citizen/members of the public) need to know which facilities contain hazardous chemical, assess the risks associated with these chemicals and ensure community preparedness for accidents that may occur. Many facility owners and operators rely on local resources for emergency preparedness and response, including first responders, emergency medical services, and hazardous materials response teams. For this reason, it is important for facilities and their communities to establish a strong relationship with one another and have a robust dialogue to ensure chemical safety and security.

Chemical facility owners and operators, Federal, State, local and tribal government agencies, and the public all have roles to play in ensuring chemical safety and security. Federal and State agencies have laws and programs to promote chemical safety and security. However, chemical facility owners and operators, as well as their communities, are in the best position to prevent and/or mitigate the effects of chemical accidents and ensure that they are prepared to handle any accidents that do occur. Having comprehensive community engagement at the local level regarding chemical risks is critical to ensuring chemical safety.

An engaged community with a broad preparedness culture is demonstrated by:

- robust community emergency planning and preparedness
- safe and effective emergency response
- continual emphasis on accident prevention

Legislation in the late 1980s, following the tragic chemical release in Bhopal, India, created a State and local infrastructure designed to prepare for and mitigate the effects of a chemical accident and ensure information on chemical risks in the community are provided to the first responders and the public. These State and local entities are the SERCs/ TERCs and the LEPCs/ TEPCs. Representatives on the LEPCs include including local officials and planners, facility owners and operator, first responders, health and hospital personnel, environmental groups, and citizen/members of the public. A central requirement of LEPCs/TEPCs is to develop a comprehensive emergency response plan. These response plans are required to include the following information:

- Identification of facilities and transportation routes of extremely hazardous substances
- Description of emergency response procedures, on and off site
- Designation of a community coordinator and facility emergency coordinator(s) to implement the plan
- Description of emergency notification procedures
- Description of how to determine the probable affected area and population by releases
- Description of local emergency equipment and facilities and the persons responsible for them
- Description of evacuation plans
- A training program for emergency responders (including schedules)
- Methods and schedules for exercising emergency response plans

The fundamental challenge, which has been identified through listening session, stakeholder meetings, and information submitted to Federal Agencies, is how to ensure LEPCs are creating an effective plan and are prepared for all potential chemical emergencies. Though the facilities and local emergency planners are in the best position to ensure effective preparedness, they cannot do so alone. Chemical facilities, local, tribal, and State agencies and the public all need to be a part of meeting this challenge. LEPCs/TEPCs must have the ability to analyze and assess the risks associate with the hazardous chemicals in their community and develop emergency response procedures for dealing with chemical accidents. Facility owners and operators must provide all the chemical information necessary to implement the plan to the LEPCs/TEPCs, assist the LEPCs in understanding that information, and participate in the development and implementation of the local plan. Emergency notification procedures and evacuation plans for the public must be developed and distributed to the community. The public should also have access to information on the chemical hazards and risks which could affect them and the community; although this needs to be balanced with the need to protect information that, if in the wrong hands, could be misused by an adversary to create a security incident. Additionally, first responders must be appropriately trained to respond to chemical accidents and the plan must be exercised on a regular basis to ensure the plan will be successful in mitigating the effects of a chemical accident. The successful realization of these actions establishes the foundation for effective communication and planning at the local level.

IDENTIFICATION OF LIMITATIONS AND NEEDS AT THE LOCAL LEVEL TO IMPROVE CHEMICAL SAFETY AND SECURITY

Through listening sessions, meeting with stakeholder groups (i.e. the National Association of State Title III Program Officials (NASTTPO), Industry trade associations, NGO, community groups, etc.), webinars, and information submitted to the Federal Agencies, the Working Group has identified the key issues, limitations and needs of State regulators, State, local and tribal emergency responders, chemical facility

owners and operators, and local and tribal communities, which prevent these stakeholders from successfully working together to improve chemical facility safety and security. These limitations and needs should be addressed in order to re-establish a strong chemical emergency prevention, preparedness, and response infrastructure at the State and local levels. Some of the key limitations and needs identified include:

- Greater engagement of the regulated community in the local emergency planning process;
- Improve training for first responders including a comprehensive implementation/compliance strategy of the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations;
- Provide further technical assistance to SERCs/TERCs and LEPCs/TECPs on prevention and preparedness;
- Identify and coordinate funding sources for LEPCs to sustain planning activities;
- Increase use of electronic reporting and data management; and
- Improve public access to information about chemical facility risks.

In this plan, Federal agencies have identified programs that could address these issues, needs, and limitation and support community preparedness as well as successful practices of chemical facilities, States, tribal, and local governments to assist local prevention and preparedness. This plan is the first step in re-engaging all stakeholders in the process of improving chemical safety within communities.

1. Need for greater engagement of the regulated community in emergency planning.

Information we have received from State and local stakeholder is that many facilities in their communities that have chemicals do not have the resources necessary to respond to a chemical accident. Instead, they rely on their local community for emergency planning and response, including emergency medical, fire, and evacuations/shelter-in-place. However, not all of these facilities are involved in the community's emergency preparedness activities. Federal programs require chemical facilities to coordinate emergency planning with local emergency response authorities upon request from the local authorities, but they do not require the owners/operators to ensure that the community is ready to respond to emergencies at their facility. EPCRA requires facilities to participate in the local emergency planning process and gives broad authority to SERCs and LEPCs to obtain information for emergency planning from facilities. Federal programs require facilities to have emergency response plans, but they do not require facilities to have emergency response capabilities. For example, facility emergency response plans may include steps to evacuate employees, but the plans rely exclusively on community resources for response capabilities. For this reason, it is essential that such chemical facilities are involved in community emergency planning.

Under EPCRA section 303, LEPCs/TEPCs have the authority to request from facilities information necessary for developing and implementing the emergency plan. Also, EPCRA section 302 gives a Governor or a SERC the ability to designate additional facilities subject to these emergency planning provisions. Finally, under EPCRA section 312, a fire department with jurisdiction over the facility, may

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In response to a fire in a hazardous waste facility in Apex, North Carolina, the state of North Carolina used its authority under EPCRA to make all hazardous waste treatment facilities subject to the planning requirements under section 302 and 303.

On March 5, 2010, EPA's Office of Resource Conservation and Recovery sent a memo to the RCRA Directors in all 10 EPA regions strongly encouraging EPA Regions and states to include permit conditions requiring Treatment Storage and Disposal Facilities to provide written information regarding waste quantities, types and locations to state and local authorities (including SERCs and LEPCs) and first responders for the purpose of emergency preparedness.

conduct an on-site inspection of the facility and collect specific location information on hazardous chemicals at the facility to assist them in emergency planning and response efforts.

Some Federal laws require the facilities to coordinate emergency preparedness, including emergency planning, with their local communities and emergency response authorities. For example, the Risk Management Program under the Clean Air Act requires chemical facilities to develop an emergency response plan and coordinate their own plan with the community emergency response plan developed by the LEPC/TEPCs. Additionally, DHS, within the Risk Based Performance Standard 9 (Response) under the Chemical Facility Anti-Terrorism Standards (CFATS) program, requires that covered facilities "develop and exercise an emergency plan to respond to security incidents internally and with assistance of local law enforcement and first responders." CFATS Risk Based Performance Standard 11 (Training) also envisions joint activities with local law enforcement and first responders. However, other Federal regulations do not require such coordination. For example, for employers whose employees engage in emergency response to hazardous substance releases, OSHA's HAZWOPER standard requires pre-emergency planning and coordination with outside parties. However, employers who do **not** have employees who will engage in emergency response operations are not covered by the Federal OSHA HAZWOPER standard. These employers may be covered by OSHA's Emergency Action Plans standard (29 CFR 1910.38), but coordination of emergency planning with local emergency response authorities is not required or addressed in the language under this standard.

At the federal level, at least one Regional Response Teams (RRTs), which are composed of representatives from field offices of the Federal agencies that make up the National Response Team, as well as state, tribes, and local government representatives, has included industry representatives. RRTs provide a forum for Federal agency field offices and state agencies to exchange information about their abilities to plan for and respond to chemical accident. Each RRT develops a Regional Contingency Plan to ensure that the roles of Federal and state agencies during an actual incident are clear and provide simulation exercises of Regional plans to test the abilities of Federal, state, and local agencies to coordinate their emergency response activities. As needed, RRT also provide technical assistance and guidance to States, and in some cases industry, on chemical emergency prevention, preparedness, and response activities. As appropriate, having industry participate in some of these activities could assist State and local planning, preparedness, and response efforts.

SUCCESSFUL PRACTICE

As a result of several chemical incidents in the late 1990s within EPA's Region 6, the Region 6 Regional Response Team (RRT) decided to include industry representation on the RRT to ensure coordination between the agencies of the RRT and the industry.

Currently, there are RRT members from 2 major railroads in Region 6, as well as 2 other industry members. Additionally, the Region has an Industrial Liaison Committee (ILC) as one of the committees of the RRT. That committee is charged with providing information to RRT members on industry initiatives, reviewing RRT resources to ensure the materials are helpful to industry, and to develop specific RRT documents that will assist industry in the planning and preparedness.

For example, the industry partners worked with EPA's Science and Technology committee to develop a fact sheet how to secure above ground tanks in preparation for a natural disaster (i.e., hurricane). That fact sheet proved very successful and helpful for small industries (such as oil operators) during the next year's Louisiana flooding. The Industrial Committee is currently working to expand the document to include other actions a facility can take to prepare for a natural disaster (e.g., securing all tanks and containers, ensuring all containers are appropriately labeled if they become lost).

Facilities may have been involved in local emergency planning as the local emergency plans were first being developed, however many have not sustained this engagement. Facilities may not know their obligations under EPCRA 303(d)(2) to update the information they provided to the LEPCs/TEPCs, or the LEPC/TERP may not have been able to sustain its overall level of participation once the contingency plan was completed.

Limitations/Needs	Associated Federal Programs and/or Agencies/stakeholder	Action Steps
Need for industry participation on planning committees (including local, regional, and national)	Federal OSHA HAZWOPER Standard for employers whose employees engage in emergency response to hazardous substance releases requires pre-emergency planning and coordination with outside parties (per 29 CFR 1910.120(q)(2)(i))	Revise paragraph (n) of the Process Safety Management (PSM) standard to require facilities to coordinate emergency planning with local emergency-response authorities. (OSHA)

		Consider updating 29 CFR 1910.38 to require all workplaces with hazardous substances that pose a substantial threat of release to develop and implement an emergency action plan that includes a requirement for employers to coordinate emergency planning with local emergency-response authorities. (OSHA)
	The Risk Management Program (RMP) (40 CFR 68.95) requires subject facilities to develop an emergency response plan and coordinate this plan with the community emergency response plan developed by the LEPC.	Clarify RMP ER program elements to explicitly indicate that facilities can only be 'non-responders' if local public responders have the means to respond to facility's regulated substance and agree to respond, otherwise facility must be a responder (40 CFR 68.95). Ensure facility owners/operators participate in the planning process and identify response needs for their facility and how to meet those needs. (EPA)
	Risk Based Performance Standard 9 (Response) of the DHS CFATS program requires that covered facilities "develop and exercise an emergency plan to respond to security incidents internally and with assistance of local law enforcement and first responders." Risk Based Performance Standard 11 (Training) also envisions joint activities with local law enforcement and first responders.	During Authorization and Compliance Inspections verify emergency plans are developed and coordinated with local law enforcement and first responders as required. (DHS)

	The National Response Plan (NCP) requires the establishment of the National Response Team (NRT) and Regional Response Teams (RRT) for chemical emergency prevention, preparedness, and response.	Adjust membership of RRTs to include industry as appropriate to support and address chemical facility safety and security.
	40 CFR Part 300 mandates the establishment of committees under the direction of the Federal OSC for its area. Each area committee is comprised of Federal, State, and local agencies responsible for preparing and updating Area Contingency Plans (ACPs), working together for pre-planning of joint response and recovery efforts, and to expedite decisions for the use of dispersants and other mitigating substances and devices.	Extend invitation to industry, Federal, State, local and tribal representatives with chemical facility safety and security to better coordinate efforts to protect local areas during hazardous substance releases and to incorporate local plans, as appropriate. (U.S. Coast Guard (coastal zone) and USEPA (inland zone)).
	The National Response Team developed the "one-plan" guidance for integrated contingency planning in June 1996. EPA and four other agencies (OSHA, DOT, MMS, and DOI) signed the guidance, which	EPA, OSHA, and DHS will work together to ensure chemical facilities are aware of their responsibilities under Federal regulations and, as appropriate, develop joint guidance on these requirements. (EPA, OSHA, and DHS)

	gives facilities a common-sense option for meeting multiple emergency planning requirements under nine different regulations. The guidance is an outgrowth of the 1994 Presidential review of federal authorities related to hazardous materials accident prevention, mitigation, and response. That review identified multiple and overlapping facility emergency response plans as a problem area. Within the guidance document is a core facility response plan for releases of oil and hazardous substances. Plans prepared by facilities in accordance with the guidance will satisfy requirements of the five participating agencies and will be the federal preferred method of such planning.	Explore options for reviving the Federal "one plan" facility reporting form to decrease duplication and streamline information. (NRT/RRTs)
		Establish a national electronic newsletter for federally regulated industry to improve education and information outreach for the regulated community. (EPA)
		Develop guidance for LEPCs/TEPCs to explain their authority allowed under EPCRA and ways to engage facilities in the community emergency planning process. (EPA)

SUCCESSFUL PRACTICE:

Local fire departments or members of Local Emergency Planning Committees frequently make referrals to the EPA regarding suggested or requested facility inspections for compliance with federal EPCRA or Risk Management Plan program regulations. Beyond potential fire code violations, many local jurisdictions do not have enforcement authority over facilities for federal EPCRA or RMP violations. They turn to federal inspectors. In some EPA regions, the federal inspection team will invite one or more inspectors from the local fire department, LEPC or state regulatory agency to participate in a facility inspection. This is an example of the collaboration between federal, state and local agencies to improve chemical facility safety.

Limitations/Needs	Associated Federal Programs and/or Agencies/stakeholder	Action Steps
Need coordinated emergency response exercises with facilities and responders.	NRT and industry associations	Schedule more response exercises with RMP / EPCRA / FRP / PSM / CFATS facilities and local first responders.
Need increase emphasis on compliance awareness and obligations.	Under EPCRA, facilities are required to participate in the community planning process and provide information to the public on chemical risks.	Develop guidance for industry explaining their role and responsibilities in community planning and facility safety and security. (EPA, DHS, and OSHA)
Need greater coordination of Federal inspections with local emergency planners	Regulations include EPCRA, RMP, PSM	Identify mechanisms for including LEPCs (including first responders and emergency planners) in Federal inspections at regulated facilities. Share inspection information and results (while ensuring protection of security and enforcement information) with LEPCs/TEPCs.

2. **Need to ensure first responders are properly trained, including a Comprehensive implementation/compliance strategy of the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations.**

Most of the individuals who perished in the explosion in West Texas were fire and EMS workers and volunteers. Under the authority of section 126 of the Superfund Amendments and Reauthorization Act of 1986, EPA and OSHA issued health and safety standards to protect workers engaged in hazardous waste operations and emergency response. Though the regulations are identical, EPA and OSHA regulate different stakeholders. The OSHA regulation (29 CFR 1910.120) applies to private sector employers. In states that have delegated OSHA programs, the state programs must address state and local government employees. However, coverage of volunteers in OSHA state delegated programs is based on each state's individual law; some states may provide no coverage for volunteers. EPA's regulation (40 CFR Part 311) references the OSHA regulation and applies it to state and local government employers (compensated or uncompensated/volunteers) in states that do not have a

delegated OSHA programs. EPA administers HAZWOPER for state and government employees in approximately half of the states (OSHA State Programs covers these employers in the other half).

Among other requirements, the HAZWOPER standard establishes the basic requirements for emergency planning, training and equipping employees responding to hazardous substance emergencies. Though section 303 of EPCRA requires the LEPC to develop a comprehensive emergency response plan for responding to emergencies involving hazardous materials, it is not known if the community is in compliance with the HAZWOPER requirements that are needed to perform the functions in the contingency plan. The workgroup was told that many organizations (e.g., rural fire departments, hospitals) do not have basic hazardous materials training and equipment. HAZWOPER requires an 8-hour "Awareness" training for responders who may be involved in a chemical emergency, but the worker is not allowed to take any proactive steps to respond. Instead, proactive response can only be conducted by response workers with higher levels of HAZWOPER training and equipment.

This patchwork of applicability has made the HAZWOPER standard difficult to coordinate among Federal and state agencies. There is no national perspective of local response organization's compliance with the HAZWOPER standard. For example, EPA and OSHA do not know how many LEPCs/TEPCs have the necessary training, equipment, and organization to respond to all emergencies in their community in compliance with HAZWOPER. It is likely that LEPCs/TEPCs have facilities addressed in their emergency plans of which the response organizations cannot respond in compliance with HAZWOPER.

For response to hazmat incidents or accidents in transportation, DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) awards three different grants for planning and training. The Hazardous Materials Emergency Preparedness (HMEP) grant is awarded to states, tribes and territories to increase effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations. The Hazardous Materials Instructor Training (HMIT) grant is awarded to non-profit organizations that demonstrate: 1) expertise in conducting a training program for hazmat employees and 2) the ability to reach and involve, in a training program, a target population for hazmat employees. The Supplemental Public Sector Training (SPST) grant is awarded to national non-profit fire service organizations to help train instructors to conduct hazardous materials transportation response training programs for individuals with a statutory responsibility to respond to hazardous materials accidents and incidents.

Additionally, there is no coordinated approach for identifying training requirements and criteria for available training. There needs to be a unified approach to emergency preparedness and response training for first responders, hazmat teams, etc. The Federal government's role in this approach is to identify training requirements and criteria for curriculum as well as available funding sources for training.

For the purposes of this plan, "responders" are a diverse set of individuals who are critical to mitigating effects of a chemical emergency. This broad definition includes professional and volunteer first responders (e.g., emergency medical services practitioners, firefighters, law enforcement, and HAZMAT personnel); the emergency management community; public health and medical professionals; skilled support personnel; and emergency service and critical infrastructure personnel. Responders may be government employees, volunteers, or private sector employers or employees. To have an effective response, each LEPC/TEPC must ensure that response groups comply with the necessary worker protection requirements for all of the functions required by their emergency plan. These responders are placed in serious risk if their training needs are not met. All responders need to be protected from all hazards they may face while carrying out their assigned functions in emergency plans.

Limitations/Needs	Associated Federal Programs and/or Agencies/stakeholder	Action Steps
Volunteer responders in OSHA delegated state programs are covered by safety and health regulations , e.g. HAZWOPER, only when required by each individual state law.	OSHA	**Explore ways to cover the safety and health of all volunteer responders in OSHA delegated state programs**
Coordinate approach to emergency preparedness and response training.	NRT	Explore options for creating a mechanism or process for coordinating training activities and funding.
Need to better identify and provide basic and specialized, technical hazardous materials emergency training for all first responders, especially in rural areas.	NRT (including the NRT Training Committee and appropriate federal agencies – FEMA, OSHA, EPA, Coast Guard, NIEHS, etc.)	Identify types of training necessary for first responders. Clarify the recommended training requirements for first responders.
Better communication of training opportunities throughout the various level of government.	NRT (including the NRT Training Committee and appropriate Federal agencies – FEMA, OSHA, EPA, Coast Guard, NIEHS, etc.)	Evaluate mechanisms for providing information on the available training to first responders.
Funding Sources for hazardous materials training	FEMA and DOT	PHMSA's **Hazardous Materials Grant Program**,

and equipment		which includes the HMEP, HMIT, and SPST grants FEMA's **Homeland Security Grant Program** provides funding to eligible communities for a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration.

3. Need for more Technical Assistance (including guidance, outreach materials, workshops, communication networks, etc.) to SERCs/TERCs and LEPCs/TEPCs on preparedness and prevention.

Following the passage of the Emergency Planning and Community Right-to-Know Act (EPCRA) and the creation of SERCs/TERCs and LEPCs/TEPCs, there was much effort by all stakeholders to implement the requirements of EPCRA as well as take steps to improve chemical facility safety. Since then, new requirements such as the RMP regulation, OSHA's PSM standard, and DHS's CFATS program, have served to further those efforts to provide additional information and protection to local communities. However, these new programs have not been completely coordinated in their approach and continual reductions in budget and overall support of SERCs/TERCs and LEPCs/TEPCs; has led to these entities becoming less active and robust. This, in turn, has resulted in reduced planning and exercising at the local level, leaving local communities vulnerable to chemical accidents. Additionally, LEPCs need assistance in analyzing all the information they receive from regulated facilities in their community, identifying and prioritizing the risks, and developing a contingency plan to address those risks. Communities are at risk because some LEPCs/TEPCs do not have the capabilities to meet their obligations under EPCRA.

Federal Agencies need to work together, in collaboration with State, local, and tribal governments and private sector partners, to develop, re-energize, or enhance programs to assist SERCs/TERCs and LEPCs/TEPCs engage fully in local emergency prevention and planning and management of the chemical risks in their communities. Some of these efforts should be done working with the NRT and RRTs, which, as indicated, provides technical assistance, resources and coordination on preparedness, planning, response and recovery activities for emergencies involving hazardous substances, oil, and weapons of mass destruction in natural and technological disasters and other environmental incidents of national significance. In the past, following the establishment of EPCRA, the NRT provided technical assistance

and guidance for SERCs/TERCs and LEPCs/TEPCs to assist them in contingency planning and emergency response. That guidance included *NRT-1 Hazardous Materials Planning Guide*, NRT-1a *Criteria for Review of Hazardous Materials Emergency Plans*, and NRT-2 *Developing a Hazardous Materials Exercise Program: A Guide for State and Local Officials*. Updating these guidance documents and identifying and developing additional guidance needed for State and local officials are the type of technical assistance the NRT and RRTs could provide to SERCs and LEPCs.

Next steps in re-energizing SERCs/TERCs and LEPCs/TEPCs and creating a strong Federal, State, Tribal, and local infrastructure to improve the safety and security of chemical facilities and local contingency preparedness need to focus on several areas, including assistance with integrating chemical safety into all emergency planning, creation of a national "community" to share information and exchange ideas on lessons learned and best practices, and development and distribution of guidance and tools on response procedures and local contingency planning.

Limitations/Needs	Associated Federal Programs and/or Agencies/stakeholder	Action Steps
LEPCs need information on broad-based community planning and how it can be achieved	**NRT (including EPA)**	Develop guidance for LEPCs/TEPCs on the steps to developing and implementing a successful community emergency response plan, including ensuring the inclusion of all community stakeholders (i.e. first responders, industry, community groups, etc.) in the development of the local emergency contingency plan, communicating that plan to those that implement the plan (i.e. first responders) and the public, and exercising the plan. Other key issues to be considered are land-use planning and risk reduction/prevention.
More outreach activities and materials related to chemical emergency prevention, preparedness, and response	**EPA working with appropriate Federal agencies via the NRT and RRTs.**	Establish a "community" via social media to promote information exchange, lessons learned and best practices as well as provide information on guidance and outreach materials, training schedule, etc.

		Conduct area/regional LEPC/TEPC workshops to provide technical assistance and pass on new information.
		Develop and distribute newsletters at the National and Regional level.
		Establish a mechanism to send alerts and notifications to SERCs/TERCs and LEPCs/TEPCs.
		Hold stakeholder training workshops/ annual conferences to promote networking and information exchange.
Encouragement of All Hazards planning for LEPCs by the Federal Government	NRT, specifically EPA, DHS, and FEMA.	Develop NRT guidance for utilizing LEPCs/TEPCs as all hazard planning bodies.
		Determine if state templates for hazardous materials planning at the local level meet the requirements of EPCRA 303 for emergency planning.
		Determine if local all-hazard plans are meeting the requirements of EPCRA section 303 for emergency planning, especially as it relates to "Description of emergency response procedures, on and off site".
SERCs have become less active and robust and there is less oversight and provision of support to LEPC (or TEPC) and their activities.	EPCRA provides the mechanism and requirements for SERCs to supervise and coordinate the activities of LEPCs. Additionally, RRTs include State representatives and can support States in this	Working with States, improve SERC/TERC member orientation and training.
		Re-initiate the annual SERC/TERC program summaries in order to have and provide more information about SERCs/TERCs,

	effort.	their structure and activity level.
		Work to re-vitalize the SERCs as central locations where information can be disseminated to the LEPCs/TEPCs and where training needs can be identified and resources located.
		Ensure SERCs/TERCs are members of the RRT and assist them in implementing their responsibilities under EPCRA.
Annual review of LEPC plans	DOT HMEP grants.	Revise requirements for receiving DOT HMEP grants to include annual review/ updates to local emergency response plans. Currently, DOT has a Federal Register notice requesting comments on gathering this type of information.
	NRT	Revise NRT guidance on developing and reviewing Hazardous Materials Emergency Plans (NRT-1 and NRT-1a).

4. Need for funding for LEPCs to sustain planning activities

The Emergency Planning and Community Right-to-Know Act established local emergency planning committees and State Emergency Response Commissions. However, it did not provide funding for these organizations. In the initial years of implementing EPCRA, EPA provided for small grants to States to support their EPCRA efforts, however, budget cuts have eliminated those grants. The HMEP grant money from the Department of Transportation has been available to States for pass through to LEPCs/TEPCs. However, there are limitations as to what projects can be funded with this money. All HMEP projects must have a connection with transportation.[2] While transportation incidents are important to LEPCs/TEPCs, fixed facilities also present a significant risk to the community. Some states have fee systems in place that require facilities to pay a fee on their Tier II reporting. The collected fees

[2] "Transportation," as defined in § 5102 of the Federal hazardous materials transportation law (49 U.S.C. 5101-5127) means the movement of property and loading, unloading, or storage incidental to the movement.

assist those States in implementing their EPCRA program. However, many LEPCs do not have the

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Nevada funds each of its 17 Local Emergency Planning Committees (LEPCs) at the county level through state grants approved by the State Emergency Response Commission. The state grants are divided according to need among the LEPCs as demonstrated in annual grant applications. Since inception of the Nevada SERC in 1987, Nevada was able to pass legislation for the Nevada Revised Statutes and the Nevada Administrative Code to require regulated chemical facilities to pay reporting fees to benefit planning, training and operations expenses as well as equipment purchases by local emergency responders. The funding mechanism includes U.S. Department of Transportation's Hazardous Materials Emergency Preparedness (HMEP) training and planning grant funds. The grant funds to Nevada LEPCs also include the Emergency Planning and Community Right-to-Know Act (EPCRA) Tier II facility inventory and Toxic Release Inventory (TRI) Form R filing fees collected from businesses each year by the state. The major function of the grant program is to provide local first responders (fire / hazmat, law enforcement, emergency medical, etc.) with funding to prevent, respond to and mitigate hazardous materials incidents. The vast rural areas of Nevada must rely on the many and every changing volunteer emergency responders who require continuous planning and training. Applicable state agencies may also apply for these grants.

funding they need to successful implement their community planning, preparedness, and response program, including managing data, understanding the risks associate with the facilities in their community, and outreach to the community. Mutual aid agreements may be another mechanism to support planning efforts at the local level. Mutual aid agreements are agreements between agencies, organizations, facilities, and jurisdictions that provide a mechanism to obtain emergency preparedness and response assistance in the form of personnel, equipment, materials, and other associated services. This could be a valuable tool to assist LEPCs in assessing the chemical risks in their community, ensuring there are response capabilities to deal with chemical accidents, security training for their emergency responses, and exercise their emergency response plan.

Limitations/Needs	Associated Federal Programs and/or Agencies/stakeholder	Action Steps
The majority of LEPCs do not have a funding source.	All federal agencies with responsibility for chemical emergency prevention,	Federal agencies will work together to identify all potential funding sources (e.g., grants, fee systems, private sector funding)

	preparedness, and response.	and best/successful practices, and provide that information to LEPCs.

5. Need for access to key information, increased use of electronic reporting, and data management

The EPCRA allow LEPCs/TEPCs access to a significant amount of information. However, with so many sources of information, it is difficult to manage all the information and ensure that it is up-to-date and useful. It should be noted however, that while EPCRA information, including the section 311/312 Tier II information, can provide a good baseline of the types and amounts of chemical and chemical processes present at the facility, it is only relevant in planning, it is not useful information during a chemical emergency response. This information is most useful in the planning process, in order to understand the chemical hazards and risks in the community, work with all stakeholders to create a plan to mitigate those risks and exercise that plan regularly. However, in addition to having this plan available to first responders in an emergency, there is other information that could be useful to those responders, including an available emergency contact at the facility that could provide up-to-date information on the facility to the responders and simple facility maps, which identify where the chemicals are at the facility and their hazards.

In addition to the information provided by EPCRA, other programs such as the RMP regulation, DHS's CFATS program, and DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) data related to the storage of explosive materials have created more information regarding the safety and security of chemical facilities that needs to be integrated into the local emergency contingency planning. Some of this information, while useful to SERCs and LEPCs, is not readily available to them and a mechanism for providing this information needs to be established.

The Homeland Security Information Network (HSIN) is the trusted network for homeland security mission operations to share Sensitive but Unclassified information. Federal, state, local, tribal, territorial, international and private sector homeland security partners use HSIN to manage operations, analyze data, send alerts and notices, and in general, share the information they need to do their jobs.

The sharing of information among Federal agencies, State agencies, and the public currently depends on the requirements of specific laws, regulations, or agency policies. While each agency is providing some aspect of their chemical facility information, there is a lack of consistency among agencies regarding which data fields are shared and the tools used to share the information.

Current methods and efforts to share data include:

Department of Homeland Security/National Protection and Programs Directorate (NPPD) – NPPD maintains CFATS Share, a web-based portal designed to facilitate sharing information collected under CFATS with other public partners that have a need to know. ISCD has worked closely with other DHS-components to extend CFATS Share access to other Federal agencies, State (to include Homeland Security Advisors), and local government stakeholders, and State fusion centers. In addition to CFATS

Share, NPPD has the Chemical Security website (www.DHS.gov/chemicalsecurity), a help desk for CFATS-related questions, and a CFATS tip-line for anonymous chemical security reporting. Given the myriad regimes and approaches that States employ in regulating chemical facilities, the Department primarily works through the State Homeland Security Advisors (HSAs); the from State, local, and territorial, and Tribal Government Coordinating Council; and State and major urban area fusion centers to coordinate CFATS-related activities with States.

Department of Homeland Security/U.S. Coast Guard - The Coast Guard maintains a public facing website called "Homeport" that disseminates information to the stakeholder community as well as officials from State, local, and tribal organizations. The Coast Guard also shares data with from State, local, and tribal and stakeholder interests through a number of mechanisms, including the National Maritime Security Advisory Committee, Area Maritime Security Committees, Harbor Safety Committees, the Towing Safety Advisory Committee, the Chemical Transportation Advisory Committee, and others.

Environmental Protection Agency - EPA has robust infrastructure for secure data sharing via the Central Data Exchange (CDX). EPA's CDX is the point of entry on for electronic submissions of environmental information, whether by States, tribes or industry. CDX enables EPA and participating program offices to work with stakeholders - including State, tribal and local governments and regulated industries - to enable streamlined, electronic submission of data via the Internet. Exchange partners also can access certain data from EPA using web services. CDX currently supports over 60 flows across a variety of programs. Additionally, the Facility Registry Service (FRS) participates in extensive data sharing. EPA maintains a national database of RMPs and provides database access to other Federal, State and local government officials who have a need for the information. Members of the public may also gain access to the data with certain limitations on its most sensitive portions. RMP information helps local fire, police, and emergency response personnel prepare for and respond to chemical accidents, while allowing citizens to understand chemical hazards in their communities.

Department of Labor/Occupational Safety & Health Administration - OSHA formally shares data with the National Institute for Occupational Safety and Health and the Bureau of Labor Statistics. Through its MOU, OSHA has shared inspection information with the US Chemical Safety and Hazard Investigation Board by request. Because the systems contain some personally identifiable information (e.g., names of victims), only limited data is generally available to the public.

Department of Justice/Bureau of Alcohol, Tobacco, Firearms, & Explosives (ATF) - Because ATF collects no chemical data; there is no regular distribution of such information. The DHS CFATS program does contain chemicals that are also considered explosive material within the ATF regulatory framework. Therefore, DHS and ATF have shared information on chemical locations and owner/operators. Data that is collected on Federal explosives licensees and permittees can be shared by individual request or through the FOIA process.

Limitations/Needs	Associated Federal Programs and/or Agencies/stakeholder	Action Steps

Ready access to site-specific information for responders	EPCRA requirements allow for LEPCs to receive information on hazardous chemicals at facilities. This information should be included in the local contingency plan and accessible to first responders in emergency situations. Additionally, the Tier II form requires the name, title, phone number and email address of at least one local person or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility. If there is more than one person assigned to this duty, provide the same information for that person. Also, provide an emergency phone number where such emergency information will be available 24 hours a day, every day. This is a mandatory requirement in the Tier II form. The facility must make some arrangement to ensure that a 24-hour contact is available.	Develop guidance, working with first responders, on the information needed during an emergency response. Ensure facilities provide 24 hour contact information and emergency responders are aware of that information. Research potential policies and procedures for having facilities provide site maps of the chemicals at their facility.
Better communication between Federal agencies and SERCs and LEPCs on information in their databases, how to access it, and how to integrate that information into the planning	Federal Agencies working with SERCs, TERCs, and LEPCs/TEPCs.	Explore options for making Subject Matter Experts available at the Federal and/or State level to assist emergency planners and first responders on accessing and understanding the various

process.		databases and their information.
Support and promotion of electronic reporting and data management	Information required to be submitted by facilities under EPCRA is provided to the SERCs/TERCs, LEPCs, /TEPCs and fire departments, not to the Federal government. Therefore, the Federal government supports the development of systems and tools to assist the LEPCs in managing this data, such as the EPA/NOAA software Computer-Aided Management of Emergency Operations (CAMEO) and Tier II Submit.	Explore further expansion of CAMEO to include OSHA information, develop an app, and other areas to assist LEPCs/TEPCs in planning. Develop a web based version of Tier II Submit to facilitate State development of an internet reporting system, which can be integrated with existing delivery systems, and assist with the accuracy and completeness of Tier II information. Leverage state and local information to HSIN to improve access to chemical facility security information.
Restricted access to the DHS's CFATS data and DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) data related to the storage of explosive materials	The information provided by facilities under the DOJ ATF program are not available to SERCs/TERCs and LEPCs/TEPCs. CFATS is available based on a determination of a "need to know".	ATF is exploring options for sharing their data with SERCs/TERCs and LEPCs/TEPCs. DHS is evaluating the data requirements to facilitate information sharing.

6. Public Access to Information

Access to information is the cornerstone to good governance, meaningful participation, and increased transparency to ensure communities and members of the public are better prepared and understand the risk associated with their chemical facilities. Information gathered from the listening sessions has shown that in some communities, the public is not getting notified about chemical releases (via reverse 911 or other systems) or what to do if a chemical accident occurs (i.e. evacuate or shelter-in-place). Additionally, members of the public are, in some cases, not informed about the LEPCs or provided an opportunity to participate in the planning

and preparedness process. Finally, through the listening sessions, LEPC members and members of the public have discussed the benefits to the public knowing certain information about the types of chemical hazards in their community to ensure they can take the necessary steps to protect themselves and their families in the event of a chemical accident. Efforts need to be made to improve outreach to the public, inclusion of members of the public in the community planning process, and provision of information about chemicals and chemical risks in their community. Consideration must be given, however, to security risks and concerns when determining the level of chemical information provided to the public.

Limitations/Needs	Associated Federal Programs and/or Agencies/stakeholder	Action Steps
Promotion of Private/Public Partnerships	Under EPCRA, LEPCs provide an opportunity to promote community preparation in multiply ways. These include greater public participation in emergency planning coupled with greater expectations of public responsibility, along with public and private partnerships. LEPCs can fill capability gaps by creating relationships within the community that identify privately held assets that are important to preparedness and response.	Develop outreach materials and successful practices describing possible mechanisms for broadening LEPC membership to groups outside those listed in the EPCRA statute. (EPA)
		Include non-government entities that have been shown to play a role in emergency planning and response in meetings with SERCs and LEPCs to brainstorm methods of integrating these groups into planning prior to an emergency. (EPA)
More outreach activities and materials related to chemical emergency prevention, preparedness, and response	**EPA working with appropriate Federal agencies via the NRT and RRTs.**	Conduct area/regional LEPC workshops to provide technical assistance and pass on new information.

		Develop and distribute newsletters at the National and Regional level.
		Hold stakeholder training workshops/ annual conferences to promote networking and information exchange.

APPENDIX A: FEDERAL PROGRAMS FOR IMPROVING CHEMICAL FACILITY SAFETY AND SECURITY

Federal agencies implement a number of programs to help prevent chemical facility accidents, reduce risks of terrorist attacks on chemical facilities, protect chemical facility workers, collect and share relevant information with the public and decision makers, and prepare communities and local, tribal, and state first-responders to respond to potential large-scale accidents. State, local, and tribal authorities also have critical responsibilities in managing risks from chemical facility accidents through setting and enforcing requirements for zoning, siting, and emergency response and planning. The primary Federal agencies and programs aimed at addressing chemical safety and security at chemical facilities are summarized below:

Environmental Protection Agency (EPA)

- In the Clean Air Act Amendments of 1990, Congress enacted Section 112(r)(1), also known as the **General Duty Clause (GDC)**, which makes the owners and operators of facilities that have regulated and other extremely hazardous substances responsible for ensuring that their chemicals are managed safely. Facilities subject to the General Duty Clause are, among other things, responsible for the following:
    - Knowing the hazards posed by the chemicals and assessing the impacts of possible releases,
    - Designing and maintaining a safe facility to prevent accidental releases, and
    - Minimizing the consequences of accidental releases that do occur.

  This clause applies in the same manner and to the same extent as the general duty clause in the Occupational Safety and Health Act.

- EPA's **Risk Management Program** (RMP), established under the Clean Air Act, is aimed at reducing chemical risk at the local level. EPA's rules require owners and operators of a facility that manufactures, uses, stores, or otherwise handles certain listed flammable and toxic substances to develop a risk management program that includes hazard assessment (including an evaluation of worst-case and alternative accidental release scenarios), prevention mechanisms, and emergency response measures. Facilities submit information regarding their risk management program (the information submitted is a "Risk Management Plan" or "RMP") to EPA. RMP information helps local fire, police, and emergency response personnel prepare for and respond to chemical accidents, while allowing citizens to understand chemical hazards in their communities. EPA has focused its chemical plant safety inspection and enforcement efforts on the highest risk facilities.

- EPA also implements the **Emergency Planning and Community Right to Know Act** (EPCRA), which was designed to promote emergency planning and preparedness at the state, local, and tribal levels. EPCRA helps ensure local communities and first responders have needed information on potential chemical hazards within their communities in order to develop community emergency response plans. Under EPCRA, facilities with Extremely Hazardous

Substances must notify the State Emergency Response Commission (SERC) or Tribal Emergency Response Commission (TERC) and Local Emergency Planning Committee (LEPC) or Tribal Emergency Planning Committee (TEPC), as well as participate in local emergency planning activities. LEPCs and TEPCs are then responsible for developing a community emergency response plan.

- The National Response System (NRS) is a multi-layered system of local, state, and Federal agencies, industry, and other organizations that share expertise and resources to ensure that threat to human health and the environment from oil and hazardous materials spills are minimized. At the heart of the system is the National Oil and Hazardous Substances Pollution Contingency Plan (the "National Contingency Plan" or NCP), which ensures that the resources and expertise of the Federal government are available immediately for oil or hazardous substance releases that are beyond the capabilities of local and state responders. The NCP provides the framework for the NRS and establishes how it works. **Federal On-Scene Coordinators (FOSCs)** are key players during an oil or hazardous chemical emergency. The FOSC coordinates or directs on-scene response resources and efforts during a pollution incident The FOSC also oversees area planning, provides access to the expertise of the NRS Federal member agencies, and is a valuable source of support and information to the local response community. The FOSC is pre-designated by the U.S.EPA for inland areas and by the U.S. Coast Guard (USCG) for coastal areas. **Regional Response Teams (RRTs)** ensure that the multi-agency resources and expertise of the NRS are available to support the FOSC as needed during a pollution incident. There are 13 RRTs, one for each of the ten EPA federal regions, plus one for Alaska, one for the Caribbean, and one for Oceania. The RRTs are comprised of representatives from the 15 Federal NRS member agencies, plus state representatives, and are co-chaired by the EPA and USCG. Each RRT develops a Regional Contingency Plan that describes the policies and procedures for a quick and effective response to pollution incidents. More detailed plans are developed at the sub-regional level by Area Committees and at the local level by Local Emergency Planning Committees (LEPCs). The State Emergency Response Commission (SERC) supervises and appoints members to the LEPCs. Together, SERCs, LEPCs, and Area Committees ensure effective preparedness among all levels of government and between private sector and public response efforts. **The National Response Team (NRT)** is comprised of the 15 Federal member agencies of the NRS, each with responsibilities and expertise in various aspects of emergency response to pollution incidents. With nationwide responsibilities for interagency planning, policy, and coordination, the NRT ensures that the most valuable tool in an emergency— readiness — is available for pollution incidents of all sizes and kinds. Prior to an incident, the NRT provides policy guidance and assistance. During an incident, the NRT may be activated if needed to provide national-level advice and assistance, as well as access to member agency resources that could not be provided at the RRT level. The EPA serves as chair of the NRT, and the USCG serves as vice chair.

Department of Labor/Occupational Safety and Health Administration (OSHA)

- OSHA is responsible for assuring safe and healthful workplace conditions by setting and enforcing standards and by providing training, outreach, education and assistance.

- OSHA's **Process Safety Management** (PSM) standard sets requirements for the management of highly hazardous substances to prevent and mitigate the catastrophic releases of flammable, explosive, reactive, and toxic chemicals that may endanger workers. The PSM standard covers the manufacturing of explosives and processes involving threshold quantities of flammable liquids and flammable gasses, as well as 137 other highly hazardous chemicals.

- OSHA's **Hazard Communication** standard contains requirements to ensure that the hazards of all chemicals produced or imported are classified, and that information concerning the classified hazards is transmitted to employers and employees. The transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, safety data sheets and employee training.

- In 2011, OSHA launched its **Chemical Plant National Emphasis Program** (NEP) to conduct focused inspections at randomly-selected facilities among worksites likely to have highly hazardous chemicals in quantities covered by the PSM standard. Under this program, OSHA has corrected serious safety issues through approximately 350 inspections and the issuance of 1,325 violations.

- OSHA's **Hazardous Waste Operations and Emergency Response** (HAZWOPER) standard, which includes paragraph 29 CFR 1910.120(q), Emergency Response Program to Hazardous Substance Releases; contains requirements for employers whose employees are engaged in emergency response. This standard requires employers to develop and implement an Emergency Response Plan to handle anticipated emergencies prior to the commencement of emergency response operations. The Emergency Response Plan requires pre-emergency planning and coordination with outside parties. The Federal OSHA HAZWOPER standard applies to private sector employers and employees.

- OSHA's **Emergency Action Plans** standard, 29 CFR 1910.38, requires employers to have an Emergency Action Plan, with certain minimum elements, whenever an OSHA standard in Part 1910 requires one.

Department of Homeland Security (DHS)/National Protection and Programs Directorate (NPPD)

- DHS/NPPD is responsible for implementing **Chemical Facility Anti-Terrorism Standards** (CFATS), the Federal government's primary regulatory authority for security of chemicals at stationary facilities. CFATS is helping make the nation more secure by requiring high-risk chemical facilities to develop and implement security plans that meet eighteen risk-based performance standards

established by DHS. Additionally, since the program's inception, more than 3,000 facilities have voluntarily removed or reduced the onsite quantity of chemicals of interest to the point that the facilities are no longer considered high-risk.

- DHS/NPPD is also responsible for developing and managing regulations to implement the **Secure Handling of Ammonium Nitrate** provisions of the Homeland Security Act, which mandated that DHS create a framework to "regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility…to prevent the misappropriation or use of ammonium nitrate in an act of terrorism." Under the Secure Handling of Ammonium Nitrate provisions, certain purchasers and sellers of ammonium nitrate would be required to register with DHS and be screened against the Terrorist Screening Database. Additionally, sellers of ammonium nitrate would be subject to certain recordkeeping requirements as well as requirements to report thefts or losses of ammonium nitrate. DHS is in the process of developing a final rule to implement the Secure Handling of Ammonium Nitrate provisions of the Homeland Security Act to ensure continued access by the public to ammonium nitrate for legitimate purposes, and to improve the security of ammonium nitrate with minimal economic impacts.

Department of Homeland Security (DHS)/United States Coast Guard (USCG)

- The U.S. Coast Guard (USCG) is responsible for maritime security under the **Maritime Transportation Security Act** (MTSA), 46 U.S.C. § 70101, et seq., which includes authority over certain port facilities that use, store, or transport chemicals or engage in other chemical-related activities. MTSA reinforces the national and global importance of security for the marine transportation system, and provides a crucial framework for ensuring the safety of maritime commerce and our domestic ports. MTSA's key requirement is to prevent a maritime transportation security incident (TSI) - defined as any incident that results in a significant loss of life, environmental damage, transportation system disruption, or economic disruptions to a particular area. Preventing TSIs in the maritime mode has been a core mission of the Coast Guard since its inception.

- As part of MTSA, the Coast Guard has established 43 Area Maritime Security Committees (AMSCs) in each Captain of the Port (COTP) zone throughout the United States. Governed by 33 CFR 103 and Navigation and Vessel Inspection Circular 9-02 Ch. 3, these AMSCs were created to enhance communication between port stakeholders in the private sector and at Federal, state, and local agencies. The AMSC is responsible for identifying risks and critical port infrastructure and operations, determining risk mitigation strategies, and assisting the COTP in the creation of the Area Maritime Security Plan.

- The 2010 Coast Guard Authorization Act (P.L. 111-281) charged the DHS to coordinate with other Federal agencies to develop a national strategy for the waterside security of vessels

carrying, and waterfront facilities handling, especially hazardous cargo.[3] DHS and the Coast Guard will continue to develop and implement this strategy in coordination with the Chemical Facility Safety and Security Working Group.

- The U.S. Coast Guard (USCG) along with the EPA have responsibilities under the **National Oil and Hazardous Substances Pollution Contingency Plan (NCP)** to provide the organizational structure and procedures for preparing for and responding to releases of hazardous substances, pollutants, and contaminants. The NCP is aimed at setting planning and preparedness standards at the national, regional, and local levels through the National Response Team (NRT), Regional Response Teams (RRTs), and local area committees. The NRT, RRTs, and local area committees under the direction of the USCG and USEPA work closely with appropriate Federal, State, local, and tribal officials (i.e., SERCs and LEPCs, etc.) to enhance contingency planning for joint response efforts of hazardous substances, pollutants, and contaminants.

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)

- The National Preparedness System (NPS) was created in 2006 by the Post Katrina Emergency Management Reform Act of 2006. Updated in 2011, the NPS provides a structure to support the building, sustainment, and delivery of the capabilities necessary for improving chemical facility safety and security. These include:
    - Inclusion of existing infrastructure risk analysis into community threat / hazard identification and risk assessment efforts, in order to identify capability requirements;
    - Conduct of planning and training activities – including the provision of planning guidance and the development of training courses - in order to integrate chemical facility safety and security into existing efforts;
    - Grant initiatives that provide the opportunity for communities to acquire the resources necessary to advance chemical facility safety and security;
    - Design and execution of exercises, as well as the analysis of real-world events, in order to evaluate our progress in improving chemical facility safety and security.

Department of Health and Human Services

- National Institute of Environmental Health Sciences' Superfund Worker Education and Training Program (WETP) was created in 1986 by the Superfund Amendments and Reauthorization Act of 1986 (SARA) as an assistance program for training and education of workers engaged in activities related to hazardous waste generation, removal, containment or emergency response, and hazardous materials transportation and emergency response. This program has cooperative agreements with 20 nonprofit consortia with over a 100 partners throughout the United States and its territories. Many of the hundreds of HAZMAT instructors for these organizations have been involved with their local Community Emergency Response Teams (CERTs) and Local

[3] The Coast Guard Authorization Act of 2010 (P.L. 111-281) defined Especially Hazardous Cargo as the following bulk commodities: anhydrous ammonia, ammonium nitrate, liquefied chlorine gas, liquefied natural gas, liquefied petroleum gas, and any other substance which the Secretary determines, by regulation, to pose significant risk of creating a transportation security incident. In light of EO 13650, the focus of this strategy should be expanded to include all chemical substances considered by the Chemical Facility Safety and Security Working Group.

Emergency Planning Committees (LEPCs) with the programs encouragement. The Program's National Clearinghouse for Worker Safety and Health has publically available access to training material, brochures, booklets, podcasts, and formal curricula related to the health and safety preparedness of workers prior to, during, and following disaster response involving hazardous materials. Following disasters the WETP through the National Clearinghouse and its awardees provide direct health and safety communication and training to vulnerable populations from skilled support workers to community groups through onsite instructor led briefing and training sessions.

- National Institute for Occupational Safety and Health (NIOSH) was created in 1970 by the Occupational Safety and Health Act of 1970 to conduct research and make recommendations to prevent occupational injury and illness. NIOSH has developed a number of publically available resources to mitigate chemical exposures during an emergency, including guidance, fact sheets, and chemical identification guides. NIOSH developed the Emergency Responder Safety and Health Database which contains accurate and concise information on high-priority chemical agents that could be encountered by personnel responding to an event. NIOSH worked with the U.S. National Response Team (NRT), and a number of federal agencies, state health departments, labor unions, and volunteer emergency responder groups to develop the Emergency Responder Health Monitoring and Surveillance (ERHMS) system. The ERHMS consists of an NRT Technical Assistance Document and A Guide for Key Decision Makers. The ERHMS provides guidelines for protecting emergency responders over a full range of emergency types and settings. It is for use by all who are involved in the deployment and protection of emergency responders.

Department of Justice/Bureau of Alcohol, Tobacco, Firearms, and Explosives (DOJ/ATF)

- ATF is responsible for enforcing **Federal explosives laws** that govern commerce in explosives in the United States including licensing, storage, record keeping, and conduct of business. ATF conducts inspections of Federal explosives licensees who manufacture, import, sell or store explosives in the United States to ensure explosives are managed in accordance with Federal law. In Fiscal Year 2012, ATF conducted 5,390 explosives inspections resulting in approximately 400 reports of violations.

- One of ATF's strategic objectives is to partner with the explosives industry and other government agencies to ensure the safe and secure storage of explosives while not impeding explosives' commerce. ATF works extensively with the explosives industry and explosives industry organizations while continuing to inspect the approximately 11,000 holders of explosives licenses and permits. This two-fold approach has enabled ATF to fulfill its explosives public safety mission while establishing a forum to educate and communicate with explosives industry members, ensuring they have the information necessary to maintain and increase public safety and security.

Department of Transportation

- DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) Office of Hazardous Materials Safety (OHMS) oversees the **Safety and Security Plan** requirements applicable to commercial transportation of hazmat. These plans are based on an evaluation of the safety and security threats associated with specific types and quantities of hazmat considered to be "high consequence" if stolen and used for pernicious reasons. At a minimum, safety and security plans must address personnel security, unauthorized access, and en route security. They must be based upon an assessment of transportation safety and security risks for shipments of hazmat listed in §172.800(b), including site- or location-specific risks associated with facilities where hazmat is prepared for transportation, stored, or unloaded; and measures to address the assessed risks.

- PHMSA's **Hazardous Materials Grant Program** is comprised of three emergency preparedness grants: Hazardous Materials Emergency Preparedness Grants, Supplemental Public Sector Training Grants, and Hazardous Materials Instructor Training Grants. The program is funded by registration fees collected from hazardous materials shippers and carriers who offer for transportation or transport certain hazmat in intrastate, interstate, or foreign commerce in accordance with 49 CFR Part 107, Subpart G. These fees fund training and planning grants, monitoring and technical assistance, curriculum development, and staffing costs. Registration fees also fund the publication and distribution of the Emergency Response Guidebook (ERG).

The Federal government also has a number of regulatory programs related to the safe and secure transportation of chemicals across all modes of transportation, including highway, rail, aviation, maritime, and pipeline. This fact sheet is focused on chemical safety and security at fixed facilities and does not address the programs focused on the transportation of hazardous materials.